

DECISION



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**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

[Request for Reconsideration of Protest Dismissal]

FILE: B-197210.2

DATE: April 7, 1980

MATTER OF: Local 1662, American Federation of Government Employees (Reconsideration)

DIGEST:

Dismissal of protest by union representing employees affected by agency decision under Office of Management and Budget Circular A-76 to contract-out for services is affirmed since no error of fact or law in prior decision has been demonstrated.

Local 1662 of the American Federation of Government Employees requests reconsideration of our dismissal of its protest against a decision by the Department of the Army under Office of Management and Budget (OMB) Circular A-76 (A-76) to contract-out for avionics maintenance services at Fort Huachuca, Arizona.

In Local 1662, American Federation of Government Employees, B-197210, March 3, 1980, 80-1 CPD ____, we dismissed the Local's protest because it was not a bidder and did not fall within the zone of protection afforded to bidders against the arbitrary rejection of their bids under our decision in Crown Laundry and Dry Cleaners, Inc., B-194505, July 18, 1979, 79-2 CPD 38.

The Local contends that our dismissal of its protest was erroneous because it was based on the Army's use of A-76 in its determination to contract-out, whereas Local 1662's protest was based on the Army's use of an earlier regulation in lieu of A-76.

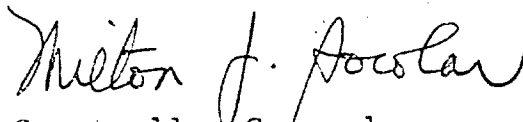
We believe the union is referring to the use by the Army in this 1979 procurement of the version of A-76 in effect prior to June 30, 1976, rather than the current version. However, the question of which version of A-76 was appropriate for this procurement is of no relevance since the Local's protest would be dismissed under the rationale of Crown, supra, regardless of which version was actually used. (We note parenthetically that use of the earlier version of A-76 in this procurement was

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required by section 814 of the Department of Defense Appropriation Authorization Act, 1979, Pub. L. 95-485, 92 Stat. 1611, 1625.)

Since no error of fact or law has been demonstrated, our prior decision is affirmed. See 4 C.F.R. § 20.9(a) (1980).

A handwritten signature in cursive script, reading "Milton J. Fowler".

For the Comptroller General
of the United States